



(Ireland.)

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For the further Amendment of the Acts for the
Extension and Promotion of Public Works in
Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREBY an Act was passed in the first year of Her
present Majesty's reign, intituled, "An Act to amend the
Acts for the Extension and Promotion of Public Works in Ireland,"
reciting an Act of the first and second years of his late Majesty
King WILLIAM the Fourth, intituled, "An Act for the Extension
and Promotion of Public Works in Ireland," the provisions whereof
were amended and extended by an Act passed in the then last Ses-
sion of Parliament, and that the Commissioners acting under and
in execution thereof were authorized to make advances by way of
loan to a certain amount in the said Acts limited, in aid of the
execution of Public Works in Ireland, and were also authorized to
make advances for the like purpose by way of grant, in aid of the
construction of certain Works, to an amount not exceeding in the
whole the sum of Fifty thousand Pounds; and that it was expedient,
with a view to the farther promotion of Public Works in Ireland,
and the employment of the labouring population, that the said
Commissioners should be enabled to make advances to an addi-
tional amount, by way of grant; and that provision should be made
for making advances for the execution of Public Works under certain
circumstances, partly by way of loan and partly by way of grant,
that is to say, by loan to the extent of One moiety of such advances,
and by grant to the extent of the other moiety thereof; and by the

Provision:
1 Vict. c. 21.

1 & 2 W. 4,
c. 33.

3 & 7 W. 4,
c. 103.

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said first-recited Act it is enacted, that it should and might be lawful to and for the Commissioners for the execution of the said recited Acts, under the like conditions and regulations, and for the purposes of the said therein recited Acts, and the said first-recited Act, to make additional advances by way of grant, to an amount not exceeding in the whole the sum of Fifty thousand Pounds; and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to cause to be issued from time to time, as they might find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, arising in Ireland (in addition to the sum of Fifty thousand Pounds therein recited, to which the issues for the purposes of the grants to be made under the therein recited Acts were limited), any further sum or sums of money not exceeding in the whole the sum of Fifty thousand Pounds, to be applied to the purposes of the said recited Acts, and the said first-recited Act:

1 & 2 Vict.,
c. 88.

Sec. 14.

And whereas by another Act passed in the first and second years of Her present Majesty, intituled, "An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries, and Employment of the Poor, and to amend the Acts relating thereto," it is enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury to appropriate out of the sum of Five hundred thousand Pounds in Exchequer Bills authorized to be advanced under the authority of said Act, any sum or sums in Exchequer Bills, not exceeding Fifty thousand Pounds in the whole, for the promotion and extension of Public Works in Ireland, to be applied by the Commissioners appointed under the authority of an Act of the first and second years of the reign of his late Majesty WILLIAM the Fourth, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," to the purposes and under the provisions of the said Act:

6 & 7 Vict.,
c. 44.

Sec. 37.

And whereas of the said sum of Fifty thousand Pounds so made applicable under the said last-mentioned Act, the sum of Four thousand Pounds was applied to grants, the remaining Forty-six thousand Pounds having been issued by way of loan:

And whereas by another Act passed in the sixth and seventh years of Her present Majesty, intituled, "An Act to amend the Acts for carrying on Public Works in Ireland," after reciting as therein recited, it is enacted, that it shall be lawful for the Commissioners of Her Majesty's Treasury to order that out of such monies as at or after the passing of said Act may be in the Exchequer, or as may be thereafter paid into the Bank of England to the credit of Her

Her Majesty's Exchequer, in repayment of loans made for Public Works in Ireland, any sum or sums of money not exceeding the sum of Twenty-one thousand Pounds, may be set apart and appropriated for grants by the said Commissioners of Public Works, with the approval of the said Commissioners of Her Majesty's Treasury, in such and the same manner as the said sum of Twenty-one thousand Pounds might have been used and applied for grants, if the same had not been, as therein mentioned, inadvertently applied for the purposes of loans :

And whereas of the said several sums so authorized to be advanced under the said recited Acts, a sum of One hundred and eighteen thousand and ninety-three Pounds Nineteen Shillings and Eight-pence has been advanced and paid and applied for the purposes of the said Acts, in the way of grant, leaving a sum of Six thousand nine hundred and six Pounds and Four-pence still unapplied and available for such purposes, and it is expedient to increase the sum so available, and to authorize the Commissioners of Her Majesty's Treasury to issue a further sum from the Consolidated Fund for the purposes of the said Acts and this Act, or any of them, and it is also expedient to amend the said recited Act of the first year of Her present Majesty, and extend its provisions to other cases ;

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for the Commissioners of Public Works in Ireland, acting in execution of the said recited Acts, under the like conditions and regulations (save as hereinafter provided), and for the purposes of the said recited Acts and this Act, to make additional advances, by way of grant, to an amount not exceeding in the whole the sum of Fifty thousand Pounds, and for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any Three or more of them, to cause to be issued from time to time, as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in addition to the said several sums hereinbefore mentioned, any sum or sums of money, not exceeding in the whole the said sum of Fifty thousand Pounds, to be applied for the several purposes of the said Acts, and this Act, or any of them, in relation to grants.

And be it Enacted, That all and every the provisions, regulations, powers, privileges, advantages, forfeitures and disabilities contained or expressed in the said recited Acts, or any of them, in respect of

1.
The Commissioners of Public Works may make additional Grants to the extent of £. 50,000.

2.
Provisions of former Acts shall apply to Grants under this Act.

the grants authorized to be made thereunder, shall (save as hereinafter provided) be applied and extended to the grants to be made under authority of this Act, as fully and effectually to all intents and purposes as if the same were herein repeated and re-enacted.

1 Vict., c. 21,
s. 2.

AND whereas by the said recited Act of the first year of Her present Majesty, it is, amongst other things, enacted, that if any Three or more Justices of the Peace, not being stipendiary Magistrates in and for any county, county of a city, or county of a town in Ireland, shall think it expedient to make application for the construction of any Public Work, on the terms and under the regulations thereafter contained for the re-payment of a moiety of the expense of executing such Work, it shall and may be lawful for them, by notice under their hands, to be posted on the places appointed for posting notices of applications to presentment sessions, in the barony or half-barony, or place in which such Work is proposed to be executed, to convene a special meeting of the Justices and Cess-payers, associated with such Justices, at the last special or presentment sessions held in such barony or half-barony or place, for the purposes of an Act passed in the then last Session of Parliament, intituled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," such meeting shall be held at the place appointed for the holding of such special or presentment sessions, at such time as shall be specified in such notice, not being sooner than Seven Days from the time of posting such notice; and the senior Justice present at such meeting shall preside thereat, and shall have, in addition to his vote, a casting voice in case of an equality of voices; and if a majority of such Justices and Cess-payers, assembled at such Special Sessions, shall so think fit, the Chairman shall apply, by memorial, to the Lord Lieutenant or other Chief Governor or Governors of Ireland, on behalf of the Justices and Cess-payers assembled at such Sessions, praying that the work described in such memorial may be executed, and that a sum, not exceeding the amount in such memorial mentioned, may be advanced for that purpose, a moiety thereof to be repaid by Grand Jury presentment, as thereafter mentioned: AND whereas, by reason of a deficiency of Magistrates residing in certain districts, it is difficult to obtain the concurrence of Three Justices of the Peace in convening any such special meeting as aforesaid, and it is therefore expedient to amend the said provision; BE it therefore Enacted, That from and after the passing of this Act it shall and may be lawful for any Two Justices of the Peace (not being stipendiary Magistrates) in and for any county, county of a city, or county of a town in Ireland, and any Three cess-payers associated with the Justices at the then last special or presentment sessions as aforesaid, held in and for the barony, half-barony or place wherein any

1 Vict., c. 21,
s. 3.

6 & 7 W. 4,
c. 118.

3.
Two Justices
and Three
Cess-payers
may convene
a Meeting of
Justices and
Cess-payers
for making an
application to
the Lord

Lieutenant
for the execution
of Public
Works under
the 1st Vict.,
c. 31.

any Public Work is proposed to be executed under the provisions of the said first-recited Act and this Act (as far as the same are applicable), by notice under their hands, to be posted as in the said last-recited provision directed, to convene any such special meeting of the
5 Justices and cess-payers, and for such purposes and subject to such regulations as in the said last-recited provision mentioned; and every such special meeting so convened shall be as valid and effectual for all and every the purposes of the said first-recited Act as if such meeting had been convened in such manner as in the said recited Act pre-
10 scribed; and the several provisions of the said first-recited Act (subject to the variations thereof contained in this Act), shall extend and be applied to any such special meeting, and to the proceedings thereon, the application for the execution of Public Works, the proceedings in relation to such application, the execution of the Works, the advance
15 of monies, the repayment on account of the same, and to the several other matters and things relating to any such Works applied for at such meeting.

And be it Enacted, That it shall and may be lawful for any such special meeting as aforesaid, convened in the manner in the said first-
20 recited Act or this Act prescribed, to make an application, in like manner as aforesaid, to the Lord Lieutenant or other Chief Governor or Governors of Ireland, for an advance as aforesaid, for the repair, alteration, extension or improvement of any then existing Public Work, as fully and effectually as for the construction as aforesaid of any
25 Public Work; and the provisions of the said first-recited Act shall extend and be applied to any such repair, alteration, extension or improvement of any existing Public Work, as fully and effectually as to the construction of any Public Work.

4.
Special Meet-
ing may apply
for advances
for the repair
or extension
of existing
Public
Works.

And be it Enacted, That from and after the completion of any Public
30 Work which shall have been constructed, repaired, extended, improved or altered, under the provisions of the said recited Acts or this Act, in case the same or any of them shall at any time be in an insufficient state of repair, then, upon the application of the said Commissioners of Public Works, setting forth what sum will be requisite and necessary
35 from time to time for the repair of any such Public Work, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to direct, by their warrant or warrants, that the sum or sums of money so required by the said Commissioners of Public Works shall be advanced and paid to the said Commissioners
40 out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said last-mentioned Commissioners, in the repairing and maintaining of any such Public Work, or any portion thereof.

5.
On applica-
tion of the
Commission-
ers, Money
may be issued
out of the
Consolidated
Fund for re-
pairs of such
Works.

1 & 2 W. 4,
c. 31, s. 12.

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And

6.

Amount of Money so expended to be certified to the Grand Jury of the county, who shall raise the sum by Presentment.

1 & 2 W. 4, c. 53, s. 52.

And be it Enacted, That whenever any repair of any such Public Work, or any portion thereof, shall be made under the directions of the said Commissioners, the secretary to the said Commissioners shall certify to the secretary of the Grand Jury of any and every county within which any such Public Work, or any portion thereof, shall be situate respectively, the amount of money which shall have been so expended upon the repair of any such Public Work, or any portion thereof, within any and every such county respectively; and every such certificate shall at the next, or some succeeding assizes, be laid before the Grand Jury of any and every such county respectively, and thereupon it shall and may be lawful for the Grand Jury of any and every such county respectively, and any and every such Grand Jury are hereby authorized and required to make presentment of the amount of such expenses as stated in such certificate, to be raised either off the county at large, or of the barony or half barony, or other division in which such Public Work shall have been executed, as such Grand Jury may think fit; and it shall not be lawful for the Court, at any assizes, to fiat any presentment for raising any other money until such presentment for such expenses be first made and allowed; and when and so soon as the sum so to be presented, as aforesaid, shall be raised and received by the treasurer of any and every such county respectively, such treasurer shall pay over the same respectively to the Commissioners for the execution of the said recited Act, and this Act, and the same shall be by them repaid to the Consolidated Fund as aforesaid.

7.

Expense of Bridges between Counties to be borne equally.

1 & 2 W. 4, c. 53, s. 54.

Provided always, and be it Enacted, That where any Bridge shall have been constructed, repaired, extended or altered, under the provisions of the said recited Acts, or this Act, or any of them, and shall be situate partly in one county and partly in another, the expenses of reconstructing, repairing or maintaining such Bridge, shall be borne and defrayed equally between the several counties, and the certificates and presentments required by this Act shall be made and raised accordingly.

8.

Grand Jury may present for Repairs as in cases of Roads and Bridges.

2 & 3 Vict. c. 50, s. 18.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county, county of a city, or county of a town, to make presentment for repairing any such Public Work as aforesaid, in like manner and subject in all respects to the like provisions and regulations as any public road or bridge: Provided always, That nothing herein contained shall limit or affect the power, duty and authority of the said Commissioners of Public Works to repair any such Public Work, in any case where they shall deem it necessary so to do.

9.

Advances under Public Works Act on loan for

AND whereas by the said recited Act of the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," it

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Improvements
of Lands may
be made by
Board of
Public Works
repayable
within 20
years, at such
rate of inter-
est as in cases
of other Loans.
1 & 2 W. 4,
c. 33, s. 32.

is amongst other things enacted, that it shall and may be lawful for the Commissioners for the execution of the said recited Act to make advances in aid of the drainage, embankment, reclaiming, or other improvement of land on the credit of mortgages, assignments, or other assurances of the estate and interest, freehold or leasehold, in such land which is to be the subject of such drainage, embankment, reclamation, or other improvement: Provided always, That it shall be made out to the satisfaction of such Commissioners by competent evidence, accompanied by the certificate of a skilful engineer or surveyor, approved of by the said Commissioners, that such drainage, embankment, reclamation or other improvement, when completed, will increase the value of such land in the proportion of at least Ten per centum on the sum proposed to be expended thereon; and that a contract, with Two good and sufficient sureties, to be approved of by the said Commissioners, shall be previously made and entered into for the full and complete execution of such drainage, embankment, reclaiming or other improvement, at and for a sum not exceeding the amount of the advance sought therefor, within a period to be fixed by the said Commissioners, not exceeding Seven Years from the date of such advance; and that in all such cases the whole amount of such advance shall be made repayable within Three Years next after the period so fixed for the completion of such drainage, embankment, reclaiming or other improvement, with interest thereon in the meanwhile, at a rate not less than Five Pounds per centum per annum, payable half-yearly, as the said Commissioners shall fix and appoint: And whereas it is expedient that further encouragement should be given for the improvement of lands, by enabling parties to obtain such advances on more favourable terms, and that for such purpose the aforesaid provision should be amended; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of Public Works in Ireland, if they shall so think fit, to make any loan or advance, as aforesaid, in aid of the drainage, embankment, reclaiming or other improvement of land, upon application duly made conformably to the provisions of the said last-recited Act, and any other Acts amending the same, and this Act, in relation thereto, and which may be approved of by the said Commissioners, and by the Commissioners of Her Majesty's Treasury, or any Three or more of them, upon the terms and conditions that the whole amount of such loan or advance shall be secured as hereinafter mentioned, and shall be made repayable within such time or times, not exceeding Twenty Years after the period so fixed as aforesaid, for the completion of such drainage, embankment, reclaiming or other improvement, at such rate of interest in the meanwhile, payable half-yearly, as by the said last-recited Act, or any Acts amending the same, is provided with respect to any other advances by way of loan thereunder, any thing in the said last-recited Act, or the other Acts amending the same, requiring a

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different period of repayment, or a higher or other rate of interest on any loan or advance for any such drainage, embankment, reclamation or other improvement to the contrary notwithstanding: Provided always, That any such loan or advance shall be subject to the several provisions, regulations and enactments in the said last-recited Act, and the other Acts amending the same, contained in relation to any loan or advance thereunder, so far as the same are applicable, and shall not be varied by this Act.

10.

Persons under legal disability may charge the Lands improved to secure repayment of such Loans for Improvements.

AND whereas by reason of such advances in aid of permanent improvements of lands, great benefit may be expected to accrue to the proprietors thereof, and the value thereof to be considerably increased; and it is expedient to enable tenants for life, and others having only particular estates, and persons under legal disability or incapacity, to raise or charge money on such estates for the purposes of such improvements; BE it therefore Enacted, That it shall and may be lawful for any corporation, lay or ecclesiastical, sole or aggregate, and for the husbands, trustees, committees or attorneys of, or for the owners or proprietors of, or any company or companies, or the directors thereof for the time being interested in, any part or parts of any such lands, in or for, or in aid of the drainage, embankment, reclaiming or other improvement of which any such loan or advance shall be agreed to be made by the said Commissioners of Public Works, in pursuance of the said last-recited Act, or the other Acts amending the same, and this Act, being under coverture, minors, lunatics, or beyond the seas, or otherwise incapable of acting for themselves, and to and for every of them for the time being, and to and for the owners and proprietors of all such lands, being tenants in tail or for life, or tenants in tail after possibility of issue extinct, or tenants in dower, and to and for every of them respectively for the time being, with and by the sanction and consent of the said Commissioners of Public Works had and obtained, by indenture or indentures under their respective hands and seals, from time to time, and to which indenture or indentures One of the said Commissioners shall be an executing party for the purpose of signifying such sanction and consent as aforesaid, and before obtaining any advance on account of such loan from the said Commissioners, to charge the said lands with any sum or sums of money which the said Commissioners shall agree to advance in or for, or in aid of any such drainage, embankment, reclaiming, or other improvement thereof as aforesaid, and for securing the repayment of such sum or sums of money which the said Commissioners shall so agree to advance with interest from the date of the advance thereof, to grant, mortgage, lease or demise, or otherwise subject the said lands unto the said Commissioners of Public Works, or to the Secretary of the said Commissioners in trust for them, either in fee or for any term of years, as every such grant, mortgage, lease or demise be made with a proviso

or

or condition to cease and be void, or under an express trust to be surrendered, in case and so soon as the sum or sums of money thereby to be secured, with the interest for the same, shall be fully paid and satisfied at a time or times to be appointed in that behalf, and also
 5 with a covenant to pay and keep down the interest in the meanwhile, and so as every such grant, mortgage, lease or demise do also contain a proviso that the person or persons entitled in remainder or reversion to the lands or grounds therein comprised, shall not be liable, upon his, her or their becoming possessed thereof, to the payment of any
 10 further or larger arrear of interest than for *Twelve Months* preceding the time that his, her or their title to such possessions shall have commenced; and every such charge, grant, mortgage, lease or demise as aforesaid, shall be good, valid and effectual in the law, for the purposes hereby intended, and shall take priority of all charges and incumbrances whatsoever and whensoever made.

And be it Enacted, That every loan or advance to be made by the said Commissioners of Public Works for any such last-mentioned works or improvements as aforesaid, under the provisions hereof, shall be made by instalments not exceeding *Five hundred Pounds* in
 20 amount at any one time; and that no second or subsequent instalment of any such loan shall be advanced until it shall have been proved to the satisfaction of the said Commissioners that the preceding instalment has been properly applied towards such work or improvement, pursuant to the application for such work, approved by the said Commissioners.

11.
Such advance to be made by instalments not exceeding £500.

And be it Enacted, That any loan or advance that shall be made by the said Commissioners for any such work or improvement as aforesaid, under the said provisions hereof, to any person being entitled to any estate only as tenant for life or in tail, or being under any legal
 30 disability or incapacity, shall not exceed in the whole the sum of *Five thousand Pounds*, unless the sanction of a Court of Equity shall be obtained to a larger advance than *Five thousand Pounds* to be charged on such estate; for which purpose it shall be lawful for the party seeking such advance to apply to the High Court of Chancery or to the
 35 Court of Exchequer in Ireland, by petition, specifying the improvement proposed to be made, the estimated cost thereof, and the yearly value, and other circumstances of the estate proposed to be charged; and every such petition shall be referred to a Master of the said Court of Chancery, or to the Remembrancer of the said Court of Exchequer,
 40 to inquire into and ascertain the propriety of such improvement, and of the proposed charge on such estate; and if, upon the report of such Master or Remembrancer, it shall appear to the satisfaction of the said Court that the proposed improvement and charge upon such estate would be proper and judicious, and advantageous to the person

12.
Advances not to exceed £5,000 in case of incapacitated Persons without the sanction of a Court of Equity.

or persons entitled in possession, and in reversion or remainder to such estate, it shall be lawful for such Court, by its order, to declare that it shall be lawful for the said Commissioners of Public Works to make such advance exceeding *Five thousand Pounds* in aid of such improvement, if they shall so think fit, and to cause the same to be charged upon the said estate, pursuant to the provisions hereof as aforesaid; whereupon it shall be lawful for the said Commissioners, if they shall deem it fit and right so to do, after such examination and consideration as aforesaid, to make such advance and cause such charge to be made upon such estate, subject nevertheless to the several provisions, regulations and enactments of the said recited Act of the first and second years of the reign of King WILLIAM the Fourth, and the other Acts amending the same, in relation to advances of the like nature, save and except so far as the same may be varied by this Act.

1 & 2 W. 4,
c. 33, s. 15,
16, 17, 18.

13.

In case of misapplication of, or neglect to apply, any such Loan to the purpose agreed upon, the Commissioners may recover the advances made, or may complete the Works.

And be it Enacted, That if default shall be made in the due application of any instalment of any loan or advance made for the purpose of any such drainage, embankment, reclamation or other improvement, or in case the party or person to whom any such loan or advance may have been so agreed to be made, or the person entitled for the time being to the rents and profits of the lands which may be the subject of such drainage, embankment, reclamation or other improvement, shall omit or neglect to proceed with the completion of such drainage, embankment, reclamation or other improvement, it shall and may be lawful for the said Commissioners to proceed for the recovery of any such instalment, loan or advance, or any part thereof, with the interest due thereon, and to stop all further advances or loan in respect of such work, or it shall and may be lawful for the said Commissioners, or any person authorized by them for that purpose, if they shall so think fit, to enter upon such lands, and proceed to complete the drainage, reclamation or other improvement of such lands according to the original plan and specification which may have been agreed upon for the same, or according to such other plan and specification as the said Commissioners may think proper; and out of the residue of the monies so agreed to be advanced by, and then remaining in the hands of, the said Commissioners, to complete and finish such drainage, embankment, reclamation or other improvement, and all monies so advanced and paid as last aforesaid by the said Commissioners, shall be deemed and taken as part of the money agreed to be advanced by the said Commissioners, and secured and charged on such lands as aforesaid, and shall be repaid to the said Commissioners out of such lands, and out of the monies to be raised from such lands by means of such charge, grant, lease, mortgage or demise as aforesaid.

14.

Act may be amended, &c. this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.